



PLAN FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS

Effective 1985

As amended, February 17, 2017

Pursuant to the Jury Selection and Services Act of 1968

28 U.S.C. § 1861, *et seq.*

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

PLAN FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS

Pursuant to the Jury Selection and Service Act of 1968, as amended (28 U.S.C. § 1861, *et seq.*), the following Plan is hereby adopted by the Judges of the United States District Court for the Southern District of Indiana, subject to approval by the Reviewing Panel for the Judicial Council for the Seventh Circuit and to such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.

EFFECTIVE DATE AND DURATION

This Plan for Random Selection of Grand and Petit Jurors (the “Plan”) will become effective February 17, 2017 as approved by the Reviewing Panel as provided in 28 U.S.C. § 1863 (a) and (c). It will remain in force and effect until modified by the court with the approval of the Reviewing Panel.

IT IS SO ORDERED.



JANE E. MAGNUS-STINSON, Chief Judge
United States District Court

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1. DEFINITIONS

- A. “Plan” refers to this Plan for the Random Selection of Grand and Petit Jurors.
- B. Words used in this Plan that are defined in 28 U.S.C. § 1869 of the Act, as amended, will have the meaning therein specified.
- C. “Master jury wheel” is a figurative term designating all names selected directly from official source lists in a manner described in this Plan.
- D. “Divisional jury wheel” is a term designating all names selected directly from official source lists in a manner described in this Plan, broken down by judicial division as defined in Section 2.A. of this Plan.
- E. The “qualified jury wheel” is composed of those jurors who, based solely on the information provided on the juror qualification questionnaire, have been deemed eligible for service.
- F. The “source lists” are comprised of the names and data provided by the Indiana Secretary of State, Election Division, and the Indiana Supreme Court (Statewide Jury List), as identified in Section 6.A. and B. of this Plan.
- G. The term “petit jury” or “petit juror” means a jury or juror summoned to serve at a civil or criminal trial proceeding.
- H. The term “grand jury” or “grand juror” means a jury or juror summoned to serve at a grand jury proceeding.

2. APPLICABILITY OF THE PLAN

- A. The Southern District of Indiana is divided for jury selection purposes into four (4) divisions, which are identical with the statutory composition of the district as set forth in 28 U.S.C. § 94, and as referenced at 28 U.S.C. § 1869(e). Those divisions are:
 - (1) **INDIANAPOLIS** – Bartholomew, Boone, Brown, Clinton, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Randolph, Rush, Shelby, Tipton, Union, and Wayne counties.

- (2) **TERRE HAUTE** – Clay, Greene, Knox, Owen, Parke, Putnam, Sullivan, Vermillion, and Vigo counties.
 - (3) **EVANSVILLE** – Davies, Dubois, Gibson, Martin, Perry, Pike, Posey, Spencer, Vanderburgh, and Warrick counties.
 - (4) **NEW ALBANY** – Clark, Crawford, Dearborn, Floyd, Harrison, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Ripley, Scott, Switzerland, and Washington counties.
- B. The provisions of this Plan apply to all divisions of the district unless otherwise indicated.

3. DECLARATION OF POLICY

- A. The purpose of this Plan is to implement the policies of the United States as set forth in 28 U.S.C. § 1861:
 - (1) that all litigants in Federal courts entitled to trial by jury will have the right to grand and petit juries selected at random from a fair cross section of the community in the district or division wherein the court convenes.
 - (2) that all citizens will have the opportunity to be considered for service on grand and petit juries in the district courts of the United States, and
 - (3) that all citizens will have an obligation to serve as jurors when summoned for that purpose.

4. DISCRIMINATION PROHIBITED

- A. No citizen will be excluded from service as a grand or petit juror on account of race, color, religion, sex, national origin, or economic status.

5. MANAGEMENT AND SUPERVISION OF THE JURY SELECTION PROCESS

- A. The clerk, under the supervision and control of the Chief Judge and other Judges of this court, will manage the jury selection process. Such management will be consistent with this Plan and in accordance with 28 U.S.C. § 1863(b).

- B. The clerk may use computers and other automation technologies in implementing this Plan but will maintain a procedure manual to govern such use. The clerk also may hire, or contract with, persons or entities to perform the duties set forth in this Plan as long as the clerk supervises the work of such persons or entities and such persons or entities certify that work has been completed pursuant to the clerk's instructions.

6. JURY SELECTION SOURCES

- A. Voter Registration - Indiana law provides a uniform system of voter registration in all counties throughout the state of Indiana. The voter registration lists contain names which represent a fair cross section of the community in the Southern District of Indiana. Accordingly, the names of grand and petit jurors for each of the four (4) divisions will be selected at random from the Indiana master voter registration lists maintained by the Indiana Secretary of State, Election Division.
- B. Indiana Supreme Court Statewide Jury List - As permitted by 28 U.S.C. § 1863 (b)(2), the court hereby authorizes the clerk to draw names of prospective jurors for each of the four (4) divisions from the Indiana Supreme Court Statewide Jury List in addition to voter registration lists. This supplemental source list is a combination of data maintained (or collected) by: (1) the Indiana State Bureau of Motor Vehicles, consisting of Indiana residents with state-issued identification cards, driver's licenses, and vehicle registration records, excluding individuals under the age of eighteen (18) and non-U.S. citizens; and (2) the Indiana Department of Revenue, which includes all Indiana state resident taxpayers.
- C. The names and data provided by the Indiana Secretary of State, Election Division, and the Indiana Supreme Court (Statewide Jury List), as identified in 6.A. and B. above, will constitute the "source lists." The selection of names from such source lists will be done in a manner consistent with the selection procedures described within this Plan.

7. INITIAL SELECTION OF NAMES FOR THE MASTER JURY WHEEL

- A. Pursuant to 28 U.S.C. § 1863(b)(4), the master jury wheel will be emptied and refilled each odd-numbered year (2017, 2019, *etc.*) unless the Chief Judge otherwise directs. The total number of names drawn for each division will be no

less than one-half of 1% of the total number of persons on the source lists in that division. The Chief Judge may order additional names to be placed in any master jury wheel at any time.

8. MASTER JURY WHEEL

- A. The names which are chosen through the methods listed above will be used to fill the master jury wheel.
- B. A record of the names within the master jury wheel may be kept on paper and/or electronic media. Thereafter, the names drawn may be arranged alphabetically on a list, which will not be disclosed except as provided in 28 U.S.C. §§ 1867 and 1868, by order of this court, or as provided in Sections 17 and 18 of this Plan.

9. METHOD AND MANNER OF RANDOM SELECTION OF JURORS

- A. At the clerk's option, and after consultation with the court, the selection of names from the source lists for the master jury wheel may be accomplished by a purely randomized process through a properly programmed electronic data processing system. Similarly, at the option of the clerk and after consultation with the court, a properly programmed electronic data processing system for pure randomized selection may be used to select names from the master wheel for the purpose of determining qualification for jury service, and from the qualified wheel for summoning persons to serve as grand or petit jurors. Such random selections of names from the source lists for inclusion in the master jury wheel by data computer personnel will ensure that names of persons residing in each of the counties within the judicial district or division are placed in the master jury wheel; and will ensure that each county within the district or division is substantially proportionally represented in the master jury wheel for that judicial district, division, or combination of divisions, in accordance with 28 U.S.C. § 1863(b)(3). The selections of names from the source lists, the master jury wheel, and the qualified jury wheel must insure that the mathematical odds of any single name being selected are substantially equal.
- B. The Jury Management System (JMS), provided and supported by the Administrative Office of the U. S. Courts, will be used to select names from the

master and qualified jury wheels of persons to be summoned to serve as grand or petit jurors.

10. DIVISIONAL JURY WHEELS

- A. The clerk is required to maintain separate jury wheels for each of the divisions within the district, as defined in section 2.A. of this Plan. These separate jury wheels are referred to as “divisional jury wheels.” The names and addresses of all persons randomly selected from the source lists from each division will be placed in the divisional jury wheel created for that division.
- B. The clerk will maintain divisional jury wheels in electronic format, with backup media stored off-site and as directed in the court’s Continuity of Operations Plan for emergency preparedness.

11. SCHEDULE FOR FILLING THE QUALIFIED JURY WHEELS: MAILING OF JUROR QUALIFICATION QUESTIONNAIRES

- A. The clerk will determine the number of prospective jurors required for qualification to fill the qualified jury wheel in each division and will utilize JMS to select at random that number of names from each divisional jury wheel. The number of names to be drawn will be determined by the clerk based upon anticipated juror demands by the court plus a number of additional names sufficient to compensate for the estimated number of juror qualification questionnaires that will be undeliverable or not completed and returned. The clerk will post a general notice explaining the automated selection process. The qualified jury wheels will be emptied and refilled each odd-numbered year (2017, 2019, *etc.*). Qualification of jurors may be conducted periodically during the two year master wheel cycle. As additional jurors are qualified, they will be added to the qualified wheel for the appropriate division.
- B. The clerk may prepare an alphabetized list of names drawn from the master jury wheel and divisional jury wheels. These lists will not be exhibited to any person except as provided in Sections 1867 and 1868 of the Jury Act, as amended. The clerk will prepare and mail to every person whose name is so drawn a juror qualification questionnaire, in a form as prescribed by the Director of the Administrative Office of the United States Courts. The questionnaire will be accompanied by instructions to: (1) execute and submit the questionnaire duly

signed and sworn, to the clerk by mail; or (2) complete the questionnaire via the court's Internet website. The instructions will specify that either must be completed within ten (10) days of receipt of the questionnaire. The foregoing steps shall be taken in accordance with 28 U.S.C. § 1864(a) of the Jury Act, as amended.

- C. If a juror qualification questionnaire from the initial mailing is returned to the court as undeliverable, a substitute will be mailed to a person whose name has been drawn from the master jury wheel and whose address is within the same zip code to which the undeliverable juror qualification questionnaire was initially sent.
- D. If a juror qualification questionnaire from the initial mailing is not returned or otherwise responded to, the clerk will mail follow-up letters to the prospective juror. If any such follow-up letter fails to garner a response from a prospective juror selected for an initial mailing, the clerk will mail a juror qualification questionnaire to a person whose name has been drawn from the master jury wheel and whose address is within the same zip code as the address of the person who has failed to respond to the questionnaire.
- E. Once a year, the clerk may, but is not required to, submit the names on the master jury wheel to be updated and corrected through the national change of address system of the United States Postal Service.
- F. In accordance with 28 U.S.C. § 1878, at the option of the district court, jurors may be summoned and qualified in a single procedure, in lieu of the two separate procedures otherwise provided for by the Jury Act and this Plan.

12. QUALIFICATIONS FOR JURY SERVICE

- A. In accordance with 28 U.S.C. § 1865(a), the clerk, under the supervision of the Judges of this court, will determine solely on the basis of information provided on the juror qualification questionnaire and other competent evidence whether a person is unqualified for, or exempt, or to be excused from jury service and will record such determination(s) along with the reasons underlying them.
- B. In accordance with 28 U.S.C. § 1865(b), the clerk, under the supervision of the Judges of this court, will deem any person qualified to serve on grand and petit juries in this district unless the person:

- (1) is not a citizen of the United States, at least eighteen (18) years old, who has resided for a period of one (1) year within the judicial district;
- (2) is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification questionnaire;
- (3) is unable to speak the English language;
- (4) is incapable, by reason of mental or physical infirmity, to render satisfactory jury service; or
- (5) has a charge pending against him or her for the commission of, or has been convicted in a State or Federal court of record of, a crime punishable by imprisonment for more than one (1) year and that person's civil rights have not been restored.

13. PERSONS EXEMPT FROM JURY SERVICE

- A. The Jury Act, at 28 U.S.C. § 1863(b)(6), provides that the following persons who are employed on a full time basis are exempt, and therefore barred, from jury service:
 - (1) Members in active service in the Armed Forces of the United States, as defined in 10 U.S.C. § 101(a)(4) as including only the Army, Navy, Air Force, Marine Corps and Coast Guard;
 - (2) Members of the fire or police departments of any State, the District of Columbia, any territory or possession of the United States, or any subdivision of a State, the District of Columbia, or such territory or possession;
 - (3) Public officers in the executive, legislative, or judicial branches of the Government of the United States, or of any State, the District of Columbia, any territory or possession of the United States, or any subdivision of a State, the District of Columbia, or such territory or possession, who are actively engaged in the performance of official duties.

14. PERSONS WHO MAY BE EXCUSED FROM SERVICE UPON REQUEST

- A. Pursuant to 28 U.S.C. § 1863(b)(5), this court finds members of the following occupational classes or groups of persons would endure undue hardship or extreme inconvenience if required to perform jury service and, therefore, will be excused from such service upon individual request:
- (1) a person over seventy (70) years of age;
 - (2) a person who has served as a federal grand or petit juror within the last two (2) years;
 - (3) volunteer safety personnel, such as firefighters or members of a rescue squad or ambulance crew, who serve without compensation for a public agency, as defined in the 1203(6) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3796b). Public agency, for this purpose, means the United States, any state of the United States, or any unit of local government, department or instrumentality of any of the foregoing;
 - (4) a person having active care and custody of a child under ten (10) years of age whose health and/or safety would be jeopardized by any absence for jury service; or a person who is essential to the care of aged or infirm person(s);
 - (5) a person whose services are so essential to the operation of a business, commercial, or agricultural enterprise that it must close or cease to function if such person is required to perform jury duty.

15. TEMPORARY EXCUSES

- A. Pursuant to 28 U.S.C. § 1866(c)(1), the Judges of this court, or the clerk under supervision of the court, upon showing of undue hardship or extreme inconvenience, may temporarily excuse a person for such a period as the court deems necessary, at the conclusion of which such person either will be summoned again for jury service or the name of such person will be reinserted into the qualified jury wheel for selection.

16. SUMMONS OF JURORS

- A. Pursuant to 28 U.S.C. § 1866(a), the clerk will draw at random from the qualified jury wheel such number of names of persons as may be required for assignment to grand and petit jury panels. The clerk will post a general notice for public review in the clerk's office and on the court's website explaining the process by which names are periodically and randomly drawn. The clerk will prepare a separate list of grand and petit jury panels.
- B. Each petit jury panel will be summoned on a division-wide basis and will sit at the place where court is conducted within the division.
- C. Each grand jury panel will be summoned on either a district-wide basis or on a division-wide basis. The number of names drawn will be sufficient to fill the grand jury panel as may be directed by the court. If summoned on a district-wide basis the grand jury panel may sit wherever court is conducted within the district. The clerk will randomly draw a pro-rata number of names from the qualified jury wheel of each division to ensure that each division is proportionately represented to fill a district-wide grand jury panel. If a grand jury is summoned on a division-wide basis, the grand jury panel may sit where court is conducted within that division.
- D. Upon conclusion of the term of a regular grand jury held on a division-wide basis, a new panel of regular grand jurors will be summoned and impaneled from the same division, without further order of the court.
- E. Pursuant to 28 U.S.C. § 1866(e), in any two (2) year period, no person will be required to:
 - (1) serve or attend court for prospective service as a petit juror for a total of more than thirty (30) days, except when necessary to complete service in a particular case, or
 - (2) serve on more than one grand jury, or
 - (3) serve as both a grand and petit juror.

17. RELEASE OF JUROR INFORMATION

- A. In accordance with 28 U.S.C. § 1867(f), the contents of records or papers used by the clerk in connection with the jury selection process may not be disclosed until after the master jury wheel has been emptied and refilled, and all jurors serving from the master wheel have completed service, except as provided for in § 1867(a), (b), and (c). However, redacted copies of petit juror questionnaires may be provided by the clerk to counsel or to any party appearing pro se before trial. These redacted copies may not be copied or otherwise reproduced, and no scanned, graphical, or photographic images may be made or retained. Redacted copies of grand juror questionnaires may be provided to the United States Attorney's Office by the clerk prior to the convening of the grand jury.

At the conclusion of jury selection during a trial or grand jury proceeding, counsel or any party appearing pro se must return all copies of juror questionnaires to the clerk for secure and immediate disposal.

- B. Upon request, and only after the jurors' service has concluded, the court may order the clerk to disclose to the media or public the names of individuals who have served as jurors. The court may order any list of juror names to be kept confidential when the interest of justice so requires.
- C. Upon written request, the clerk may authorize the disclosure of juror names and addresses of individuals: (1) whose mailings have been returned and processed as not deliverable; (2) who are deceased; and (3) who are not residents in this district for one year; or (4) who moved out of this district - to the administrator of the Indiana Supreme Court Statewide Jury List or the Indiana Secretary of State, Election Division (see Section 6A and B of this Plan).

18. MAINTENANCE AND INSPECTION OF RECORDS

- A. After the master jury wheel is emptied and refilled pursuant to this Plan and after all persons selected to serve as jurors before the master jury wheel was emptied have completed such service, the records and papers compiled and maintained by the clerk with regard to the emptied master jury wheel will be preserved in the custody of the clerk for four (4) years and will be available for

public inspection for the purpose of determining the validity of the selection of any jury.

INCORPORATION OF AMENDMENTS

Incorporated herein by reference is 28 U.S.C. §§ 1861 - 1871, together with all amendments which may hereafter be made, and all laws hereafter enacted relating to grand and petit juries and trial by jury in the United States.

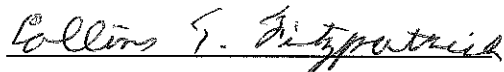
This Plan, as amended, supersedes any and all Plans heretofore adopted and will constitute the rule of this court and become effective upon the approval of the Seventh Circuit Judicial Council.

FOR THE COURT,



JANE E. MAGNUS-STINSON, Chief Judge
United States District Court

APPROVED BY THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT this 17th day of February, 2017.



By: COLLINS T. FITZPATRICK, Circuit Executive
Seventh Circuit